

Appendix 6. Ocean Recreation Focus Group Agendas and Meeting Summaries

Presented in alphabetical order:

Part 1: Hanalei

Part 2: Kahalu'u

Part 3: Kailua

Part 4: South Maui

Part 5: Waikiki

Appendix 6.

Part 1. Hanalei Ocean Recreation Focus Group Agenda and Meeting Summary



CSV Consultants

Aligning Recreational Use with Resource Protection
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Hanalei Ocean Recreation Focus Group

Wednesday, October 11, 2006

2:00 p.m. – 4:00 p.m.

Old Hanalei Courthouse

PROJECT SCOPE

This Coastal Zone Management (NOAA) funded project is intended to produce tools and strategies for resolving ocean recreation user conflicts state-wide. Specific sports of interest are surfing, kayaking, kite boarding, snorkeling, and SCUBA. Five focus sites have been chosen (Kailua and Waikiki on Oahu, Hanalei on Kauai, Kahalu'u on the Big Island, and Kihei/Wailea/Makena area on Maui). Lessons learned from strategies developed for these focus sites will be reviewed for state-wide application.

MEETING AGENDA

- 2:00-2:10 pm I. Welcome and Introductions
- 2:10-2:30 pm II. Brief Project Synopsis and Meeting Goals/Format
- 2:30-3:10 pm III. Clarify Issues of Concern and Progress towards Resolution
- Inter-jurisdictional regulation and compliance
 - Protocols affecting resource protection, safety, and overcrowding
 - Impacts on natural and cultural resources
 - Traditional uses
 - Boatyard Operations
 - Surf schools
 - Ocean Recreation Management Area (ORMA) rules
 - Other concerns/progress?
- 3:10-3:50 pm IV. Near Term and Long Term Goals
- Obstacles and constraints
 - Strategies and processes required
- 3:50-4:00 pm V. Mahalo
- Final Comments and Follow-up Information

This project was financed in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, United States Department of Commerce, through the Office of Planning, State of Hawaii.



Hanalei Ocean Recreation Focus Group Meeting Summary

Meeting Date/Time: Wednesday, October 11, 2006, 2:00 p.m. – 4:00 p.m.

Meeting Location: Old Hanalei Courthouse

Meeting Facilitators: Cheryl Vann and Judy Edwards (CSV Consultants)

Attendees: Jennifer Bethel (DLNR), Joe Borden (DOBOR), Jeff Chandler (Hui Hoomalu 'O Ka'aina and Hui Makaainana 'O Makana), Milton Ching (DOCARE), Caren Diamond (Hanalei-Ha'ena Community Association), Web Godinez (Kayak Kauai), Catherine Ham Young (Kupuna fisherwoman), Carl Imparato (Hanalei-Ha'ena Community Association), Megan Juran (DLNR, State Parks), Makaala Kaaumoana (Hanalei Watershed Hui), Kanani Kagawa (OHA), Robin & Titus Kinimaka (Titus Kinimaka's Hawaiian School of Surfing), Mimi Olry (DAR), Ed Pollock (Citizen), Scott Robeson (North ORMA), Emily Scott (Citizen), Dave & Goldie Stewart (Kayak Hanalei), Ed Underwood (DOBOR), Kalani Vierra (County Lifeguard), Laurie Yoshida (Governor Liaison for Kauai), Peter Young (DLNR), Barbara (Hanalei Roads), Stephanie (Citizen)

Contact Information: See page 8 for a listing of Hanalei Focus Group participants

The meeting summary is divided into four topics:

- Concerns/Problems
- Current Progress/Successes
- Suggested Solutions
- Unresolved Issues

Concerns/Problems

Resource Degradation

The DLNR, Division of Aquatic Resources (DAR) representative felt that the environment needs to be assessed and that habitats are being heavily impacted. She cited concerns about unwatched gill nets, marine debris, kayakers chasing after monk seals for photos, and people trying to pet seals. There are also problems of “raves” occurring at beaches where turtles and monk seals are present, and there are problems with unguided kayaks going straight out of the river mouth onto the reef and causing damage.

Other meeting participants referred to Hanalei Bay as an asset in crisis. One problem, under the jurisdiction of the Department of Health, is that water quality at the river mouth is poor; testing has shown dangerous levels of bacteria beyond safe standards.

Environmental Studies

Some environmental studies have already been conducted by the Hanalei Watershed Hui and others, but meeting participants were concerned that there is a disconnect between research efforts occurring and how that work is applied. The community is concerned these studies won't be used.

The Hanalei Watershed Hui representative provided background information on an EIS that was undertaken by the North Shore Charter Boat Association in the 1980s, but was never finished.

Cultural Issues

Meeting participants want to see the culture and the land preserved, not just for residents, but also in acknowledgement that this is a big part of what attracts visitors to Hawaii.

One Focus Group participant talked about bringing back the Konahiki system and allowing people to re-gain ownership of the land and understand what is going on there. He said the government has management responsibilities but it's really the people's land.

Overcrowding

Parking along Weke Road and in the neighborhood near Black Pot Beach Park is overcrowded and becoming a safety issue. Some meeting participants are also unhappy with the number of speed bumps and stop signs along Weke Road.

Residents participating in the Focus Group felt that there have been fundamental changes in the way of life in the community, in large part because the numbers of recreational users continues to increase. Access for fishing, bikes, and kids is needed and they want to see government guidelines ensuring this access.

Safety

The County Ocean Safety Officer (OSO) present at the meeting said rescues have risen every year and drowning rates are still up. There are only four OSOs in Hanalei—and it's a large area – they're all spread out and are not just on County land. There is a need for more OSOs.

Unguided kayaks were also mentioned by Focus Group participants as a safety issue, especially when they are coming out of the river into the bay. Participants wanted to know if there were limits on rental kayak numbers in the Hanalei River that are similar to the rules for the Wailua River. HAR §13-256-56 stipulates, for the Wailua River, a maximum of 15 commercial activity permits issued, with a maximum of 12 vessels per permit per day (and a maximum of 4 guides per permit). HAR §13-256-36 stipulates, for the Hanalei River and Hanalei Bay ocean waters, that up to two commercial use permits may be issued for kayak operations, that no more than 24 passengers are allowed per day under each permit, and that a kayak tour group shall not exceed six vessels for passengers and one guide vessel.

Ocean Recreation User Conflicts

Meeting participants were concerned about conflicts occurring between fishing and recreational sports (such as kitesurfing and windsurfing). They feel there is not enough access for fishing. Focus Group participants are also concerned that kids can't go to Hanalei Bay to learn to surf because there is too much intimidation.

Commercial Use

Commercial activities occurring in Hanalei Bay include kayaking and surf schools. There are also movie tours at the Hanalei Pier. Some of these activities are permitted and some are not.

Hanalei has a history with struggling to control commercial use (i.e. the “boating wars”). Several meeting participants expressed a desire for Hanalei Bay to be primarily a non-commercial family-focused beach. Focus Group participants feel that commercial use is pushing out residents and impacting the local community’s ability to live there. Commercial activities are crowding into neighborhoods, and onto private property, and commercial operators are doing business on County roads. Meeting participants wanted to know how commercial operations are being limited (i.e. through what type of zoning and regulations).

Focus Group participants were also concerned about:

- Increased cruise ship visits to Kauai,
- The establishment of new businesses at Black Pot Beach Park (including surf schools and kayak rentals),
- The promotion of bad stewardship behaviors by some businesses (e.g., getting too close to dolphins and turtles, feeding the fish, etc.),
- The lack of restrictions on unguided kayak tours,
- The lack of rules in place to promote cultural guidelines for how surfing is taught,
- The number of boats mooring in Hanalei Bay,
- And the failure of many commercial businesses to contribute back to the community.

Clarification of ORMA Zoning from Meeting Handouts

ORMA Zone A is designated for recreational use only. Zone A encompasses nearly the entire Hanalei Bay (see the blue horizontal stripes on the attached map), stretching from Makahoa Point (west side of bay) to the Hanalei Pier (east side of bay). Wording taken from §13-256-39 states: “No commercial vessel, sailboard, surfboard or other commercial water recreational device may be navigated within Zone A...” although boats may use the mooring area (shown in red hatchmarks on the map).

There are two designated swim zones within Hanalei Bay. Zone B-1 is shown as a yellow rectangle (extending 300 feet on either side of the Hanalei Pier) at Black Pot Beach Park. Zone B-2 is shown as a yellow rectangle at the Hanalei Pavilion. No person is allowed to operate or moor a vessel, sailboard, or any other recreation device within these zones (with the exception of Hawaiian design outrigger canoes and non-motorized vessels engaged in small scale fishing and crabbing).

Ingress/egress zones are designated within the ORMA rules. Ingress/Egress 1 (for recreational vessels) is shown in green on the map (near the Hanalei Pavilion). Ingress/Egress 2 (for commercial and recreational vessel access) is shown in orange on the map (near the Hanalei River mouth).

Permits for Commercial Use

There was confusion among meeting participants about the process of how to obtain permits. Community involvement in the permit system is desired. Residents want to know which companies will be issued permits.

Focus Group participants also said there is a need for location-specific permits for commercial activities. The Governor's liaison for Kauai present at the meeting confirmed that boats do have location-specific permits.

Meeting participants running surf schools that are already well established wanted to know if permits would have a grandfather clause? The DLNR clarified there is no grandfather clause but protocols/permits could be developed to address advanced surf school/surf instructors.

Procedural Changes

DLNR staff at the Focus Group meeting clarified that procedural changes are faster than rule/law changes. A procedural change is meant to change the way the State does things (e.g. changing a written test) whereas a rule change is more radical (e.g. getting rid of the test). Including natural and cultural briefings as part of commercial operator permit requirements could be a procedural change.

Inter-Jurisdictional Issues

Meeting participants would like to see the establishment of cooperative enforcement agreements among the County and State.

Commercial Akule Fishing

Focus Group participants wanted to see more regulation of the commercial akule boat using Hanalei Bay during the summer. They are concerned about problems with dead fish being left in the bay. They say sharks come into the bay within a week of these fishing operations. Specifically, they would like to see regulations rewritten so that boats 50 feet in length or less also have their fishing activities regulated. They want to see smaller boats and catch limits along the lines of Hawaiian-style fishing (i.e. share with others and limit your take).

Education

Meeting participants were concerned that visitors and boat charters don't know the rules. They feel more education and baseline data are needed. The DAR is trying to get this information out to visitors. Focus Group participants also recommended that hotel guests in Hanalei Bay be provided with environmental and cultural education so they have a better understanding of proper stewardship etiquette.

Funding

Meeting participants suggested that one way to raise funds for preservation is to charge visitors a few extra dollars per commercial tour. There was concern, though, that these monies would go to the General Fund. DLNR clarified that not all parks/boat facilities are money makers, so funds must go into the General Fund to be shared among parks/boating facilities statewide.

Accreted Land

Meeting participants wanted to know what the status was of the accreted land at Black Pot Beach Park in the interest of preventing commercial activities from occurring there. Meeting participants mentioned that commercial activities occurring on County land can be prevented by denying SMA permits.

Boat Ramp

Focus Group participants said that Hanalei needs a new ramp installed at the end of Weke Road so that residents have access to the water for boats and fishing. There are concerns that the current ramp is in disrepair.

Enforcement

The community would like to see more enforcement of illegal commercial operations occurring in Hanalei Bay. Meeting participants are concerned that commercial uses are occurring in the Ocean Recreation Management Area (ORMA) Zone A, which is designated for recreational use only. They want to see enforcement of these illegal uses in Zone A. County Ocean Safety Officers (OSOs) don't have enforcement authority but welcome the idea. In the meantime they feel they are treated as if they have authority.

The DLNR clarified the State's authority in the recent concern over renewed commercial activity at the "boatyard." Chairman Young mentioned that Coast Guard-documented vessels doing a coastwise trade fall under federal jurisdiction. The State still has control over activities involving people getting into the water from these vessels, as well as controlling the speeds of these vessels. The State, however, cannot ban these vessels from operating anywhere in the bay. So, there is triple jurisdiction—federal, state, and county. The community was thankful that the situation was addressed and feels supported.

Marketing

Focus Group participants were concerned that there is a disconnect between the marketing of paradise and the reality of the condition of Hawaii's resources. They are concerned about the impacts certain marketing efforts are having, and would like to see the Hawaii Visitors Bureau involved in these meetings. Specific concerns included overcrowded conditions created, in part, by beaches being rated #1 in travel magazines, and harassment of federally protected marine species, in part, because of the promotion and advertising of swimming with these animals.

Current Successes/Progress

NORMA's proposed rule amendments

In May 2004, Kauai's North Ocean Recreation Management Area (NORMA) advisory group proposed some rule amendments to HAR Section 13, chapters 251 and 256, specifically relating to tow-in surfing and surf school guidelines for Hanalei Bay. They also recommended that the title of chapter 251 be revised to clarify that the rules apply statewide.

Commercial Operators

Titus Kinimaka's Hawaiian School of Surfing has donated money to the Kilauea School for educational programs and already has several environmental and safety guidelines in place, including protecting turtles and the reef, and low student to teacher ratios (usually 3:1 – with four students max.). Focus Group participants expressed their appreciation of commercial businesses that contribute back to the community.

Another commercial operator, Kayak Hanalei, has provided slide show presentations at the nearby hotels, so visitors are getting some exposure to natural resource protection and etiquette education.

Protected Status

The Hanalei River is an American Heritage River and there is a group already established, the Hanalei Watershed Hui, conducting research, educational outreach, and other efforts to protect it. Hanalei Bay is also part of the Hawaiian Islands Humpback Whale National Marine Sanctuary.

Studies

The Hanalei Watershed Hui representative at the meeting explained that the community has a number of studies on file, including a 10+ year assessment of fish (including native fish) undertaken by Dr. Alan Friedlander, five years of water quality data, 3 years of coral data, and 2 years of groundwater data. The data sets are rigorous and have been conducted by the USGS, the Hawaii Coral Reef Assessment and Monitoring Program (CRAMP), and others. Combined, these studies give the community a good idea of what resources are in Hanalei.

<h3>Suggested Solutions</h3>

Safety and Enforcement

Focus Group participants suggested the County hire more Ocean Safety Officers and the State receiving more funding for DOCARE. They also suggested that the OSOs could help decide when to move surf schools during hazardous weather conditions (e.g. they could have flags showing areas for use as determined by wave conditions).

Focus Group participants felt that all surf school instructors should be CPR certified and, ideally, lifeguard certified. They also supported limiting the student to instructor ratio and finding ways to identify surf schools in the water (e.g., brightly colored rash guards).

Studies

While a number of studies have already been conducted in Hanalei Bay, meeting participants would like to see ongoing impacts studied and measured (including those mentioned by DAR personnel relating to protected marine species).

Marketing

Focus Group participants would like to involve the Hawaii Visitors Bureau and other tourism industry representatives more thoroughly in these discussions and find ways to market good guidelines for watching wildlife. They suggested using airline videos as one good way to reach all visitors coming to Hawaii.

Overcrowding/User Conflicts

Meeting participants suggested asking commercial companies to shuttle their guests to limit their impacts on parking congestion at public parks.

Funding

Commercial operators within the Focus Group were supportive of asking visitors for additional contributions towards resource preservation, but would prefer that money be used for local projects rather than going into the General Fund.

Education

Focus Group participants would like to see education outreach efforts, for both visitors and residents, target proper etiquette around federally protected species (including turtles and monk seals).

Permits/Commercial Operator Guidelines

Focus Group participants suggested creating industry involvement in the guideline process, creating commercial operator permits that are location-specific, and having a standardized certification for all commercial operators. The DLNR explained the possibility of a “new” permit system that would incorporate cultural and safety briefings, as well as look at capacity and user conflicts.

It was clarified during the meeting that commercial operators must meet federal requirements first before they get a State permit (this would include drug testing for boat operators). It was also clarified that the State and County will not issue permits until federal rules/laws are met.

The Focus Group wanted to see additional regulations of commercial fishing boats that are 50 feet in length or less.

<h2>Unresolved Issues</h2>

Additional questions posed by the Focus Group included:

- Where would the funding come from to hire additional Ocean Safety Officers?
- Will a new E.A. or E.I.S. be undertaken for the area, and how would this effort be initiated?
- Can a new boat ramp be built at the end of Weke Road?
- How will the situation involving the commercial akule boat in Hanalei Bay be handled?

See next page for a listing of Hanalei Ocean Recreation Focus Group participants

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Facilitator

1	CSV Consultants	Cheryl Vann
2	CSV Consultants	Judy Edwards

DLNR

3	Chairman	Peter Young
4	Project Coordinator	Jennifer Bethel
5	DOCARE	Tarey Low
6	DOCARE	Milton Ching
7	DOBOR	Joe Borden
8	DOBOR	Ed Underwood
9	DAR	Mimi Olry
10	DAR	Wade Ishikawa
11	State Parks	Wayne Souza
12	State Parks	Megan Juran

Kauai County

13	Lifeguard	Kalani Vierra
14	Parks Division	John Martin
15	Planning	Les Milnes

Non-Profits

16	Hale Halawai 'Ohana 'O Hanalei (Hanalei Community Center)	Johanna Gomez
17	Hanalei Watershed Hui	Makaala Kaaumoana
18	Hui Hoomalu 'O Ka'aina	Jeff Chandler
19	Waipa Foundation	Stacy Sproat
20	Hui Makaainana 'O Makana	Jeff Chandler
21	Hanalei-Ha'ena Community Assoc.	Carl Imperato
22	Hanalei-Ha'ena Community Assoc. & Sierra Club	Caren Diamond
23	Namolokama O Hanalei Canoe Club	Peter Miller
24	Hanalei Canoe Club	Kainoa Forrest
25	Hanalei Hawaiian Civic Club	Sean Conant

Businesses

26	Hawaiian School of Surfing	Titus & Robin Kinimaka
27	Kayak Kauai	Web Godinez
28	Kayak Hanalei	Dave & Goldie Stewart

Others

29	Office of Hawaiian Affairs	Kanani Kagawa
30	Kauai Hotel Association	Representative
31	North ORMA	Scott Robeson
32	Governor Liaison, Kauai	Laurie Yoshida
33	Kupuna fisherwoman	Catherine Ham Young
34	Citizen	Emily Scott
35	Citizen	Stephanie
36	Citizen	Ed Pollock

Appendix 6.

Part 2. Kahalu'u Ocean Recreation Focus Group Agenda and Meeting Summary



CSV Consultants

Aligning Recreational Use with Resource Protection
Maui cell (808) 214-0052---csvconsultants@hotmail.com

Kahalu'u Ocean Recreation Focus Group

Monday, October 9, 2006

9:00 a.m. – 11:00 a.m.

Kona Liquor Controls Office

75-5722 Hanama Place

Kailua-Kona, Hawaii

Kahalu'u Site Visit 11:15 a.m. – 12:00 noon

PROJECT SCOPE

This Coastal Zone Management (NOAA) funded project is intended to produce tools and strategies for resolving ocean recreation user conflicts state-wide. Specific sports of interest are surfing, kayaking, kite boarding, snorkeling, and SCUBA. Five focus sites have been chosen (Kailua and Waikiki on Oahu, Hanalei on Kauai, Kahalu'u on the Big Island, and Kihei/Wailea/Makena area on Maui). Lessons learned from strategies developed for these focus sites will be reviewed for state-wide application.

MEETING AGENDA

9:00-9:10am I. Welcome and Introductions

9:10-9:30am II. Brief Project Synopsis and Meeting Goals/Format

9:30-10:10am III. Clarify Issues of Concern and Progress towards Resolution

- Inter-jurisdictional regulation and compliance
- Protocols affecting resource protection, safety, and overcrowding
- Impacts on natural and cultural resources
- Traditional uses
- Surf schools
- Ocean Recreation Management Area (ORMA) rules
- Other concerns/progress?

10:10-10:50am IV. Near Term and Long Term Goals

- Obstacles and constraints
- Strategies and processes required

10:50-11:00am V. Mahalo

- Site Visit Information and Follow up

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Kahalu'u Ocean Recreation Focus Group Meeting Summary

Meeting Date/Time: Monday, October 9, 2006, 9:00 a.m. – 11:00 a.m.

Meeting Location: Kona Liquor Controls Office, Kailua-Kona

Meeting Facilitators: Cheryl Vann and Judy Edwards (CSV Consultants)

Attendees: Jennifer Bethel (DLNR), Betsy Cole (Kohala Center), Kaleo Hauanio (County, Ocean Safety), Thomas Hickcox (HPD, retired), Jerome Judd (DOCARE), Jackie Kalua'u (DOCARE), Francis Kauhane (Kamehameha Investment Corporation), Teri Leicher (Jack's Diving Locker and Malama Kai), Mark Littorin (Kohala Center), Ruby McDonald (OHA), Nancy Murphy (DOBOR), Charles Nahale (DOCARE), Kalani Nakoa (Kona Beach Boys), Diane Noda (County, Corporation Council), Sara Peck (UH Sea Grant), Nancy Pisicchio (County Planning Dept.), Andy Smith (Governor's West Hawaii Liaison), Chris Stelfox (County, Ocean Safety), Roy Takemoto (County, Office of the Mayor), Ed Underwood (DOBOR), Justin Viezbicke (DAR), Bill Walsh (DAR), Peter Young (DLNR)

Contact Information: See page 9 for a listing of Focus Group participants

The meeting summary is divided into four topics:

- Concerns/Problems
- Current Progress/Successes
- Suggested Solutions
- Unresolved Issues

Concerns/Problems

Fishery Management Area

Kahalu'u is included in the West Hawaii Fishery Management Area (FMA). No aquarium collecting is allowed and no fish feeding is allowed. According to Focus Group participants, only a handful of families are harvesting there. There was discussion about whether or not a Marine Life Conservation District (MLCD) would be established in the general area, and that an MLCD designation would not necessarily prohibit or regulate commercial activity.

Coral Trampling

Focus Group participants felt that trampling of corals is a major problem in Kahalu'u Bay. Trampling is occurring at specific sites and has been studied by Kuulei Rogers as part of her master's thesis. One of the sources of the trampling problem, according to meeting participants, is that many snorkelers lack experience in the water, and when they panic, trampling is often the result. Another problem is the high concentration of snorkelers in the water.

Cruise Ship Shuttle Impacts

Meeting participants also felt that the shuttling of cruise ship passengers to Kahalu'u Bay and Kua Bay is having a huge impact on these shoreline recreation areas. According to one meeting participant, in 2004 there were 116 cruise ships visits in Kona and in the year 2007 there will be 246 cruise ships visiting Kailua Bay. Cruise ships shuttles are also contributing to the problem of overcrowding, and meeting participants felt their commercial use is a drain on all County facilities. They wanted to know many cruise ships is too many, and will numbers be capped.

Shoreline Development

Meeting participants also expressed concern about shoreline development, and cited the 500 homes at Pinetrees as one example.

Cultural Issues

A map of the cultural sites at Kahalu'u was presented at the meeting. Cultural sites there include a heiau and some sacred sites that go into the water. There is concern over these sites being damaged by people climbing on them and by waves hitting them during high surf conditions. Meeting participants wanted to know if the Kuemanu Heiau is protected by law and whether it is on a historical site list. Another concern is that buoys being used by surf schools are causing damage to coral and underwater historical sites.

Meeting participants also are concerned that some culturally-significant resources are not being interpreted correctly (e.g., the "menehune wall," which used to protect the shoreline from rip currents coming through). Non-maintenance of the wall is causing erosional damage of other structures. The County is the sponsoring agent and a COE (Corps of Engineers) permit is needed to conduct shoreline enhancement projects.

Ocean Recreation User Conflicts

There was also concern that some cultural practices are not being respected. Focus Group participants cited the example of subsistence fishermen taking he'e (octopus) out of the water and having other ocean recreation users get upset with them.

Overcrowding

A large amount of people are using a small area in Kahalu'u Bay; there is roughly only 75 yards of beach shoreline at Kahalu'u. According to the UH Sea Grant representative, Kahalu'u has twice the water density of Hanauma Bay; that is, there's two times the number of people per water acre on a daily basis. And the numbers are increasing.

Carrying Capacity

Focus Group participants wondered what the bay's carrying capacity is. Hanauma Bay (which is under County jurisdiction) was cited as the one known example of an area in Hawaii where numbers of users are capped. At Hanauma Bay the parking lot serves to cap numbers of the general public using the area. Should the size of the existing parking area at Kahalu'u Beach Park be used to set capacity? Should parking along the road be allowed or not? It is a public County road and a public County park, so it falls under their jurisdiction. One concern about attempting to limit access is that people will try to access the bay in other ways, including using access areas that are dangerous. Water Safety

Officers present at the meeting said they have already had to conduct some rescues because of people using unsafe access areas.

Safety

Some Focus Group participants wanted to see the Water Safety Officers (WSOs) at Kahalu'u Beach Park receive more staffing support. The Focus Group also talked about the importance of controlling the numbers of people using the area at any one time, since there is concern that too many users create a safety issue.

Commercial Use

Commercial activities occurring at Kahalu'u Beach Park include surf schools, kayaking, and SCUBA diving. In addition, the County has two concessions at Kahalu'u: the snack bar and the snorkel concession. The Kamehameha Investment Corporation (KIC) representative at the meeting clarified that Kamehameha Schools (KS) has authority over whether commercial activities can occur at Kahalu'u Beach Park, since KS donated that land to the County.

One concern among Focus Group participants is that commercial surf schools are under-regulated. They feel that all commercial activities there should require permits.

There was confusion among Focus Group participants about the permitting process and about whether or not an ORMA permit was needed for commercial activities at Kahalu'u Beach Park. Commercial operators within the group wanted to know how to operate legally and what types of permits they needed to obtain (e.g., are permits required for snorkel lessons, sea camps, and underwater photography). They also wanted to know whether permits are currently available for operators to apply for and whether there will be a limited number of permits issued based on carrying capacity.

It was mentioned in the meeting that one of the values of having commercial operators in Kahalu'u Bay is their ability to promote stewardship. The State concurs that guided groups generally do behave better than unguided groups.

Compliance and Enforcement

Focus Group participants were concerned that people are operating at Kahalu'u without ORMA registration stickers on their surf boards and without Blue Card Surf Instructor permits issued by the DLNR, DOBOR. Other illegal activities occurring in the park, according to meeting participants, include drinking and people bringing dogs on the beach.

The County WSOs are the first step in contacting enforcement officers when needed since they are at Kahalu'u Beach Park every day. Currently WSO's can only advise people about the beach bylaws, but they cannot enforce these laws. They can and have called HPD and DOCARE, but response times are not always adequate for apprehending illegal activities. The County Council is therefore looking into deputizing lifeguards as lieutenants. They wouldn't be police, but they would be authorized to enforce the law. Focus Group participants hoped that word would get out quickly and have a positive impact on compliance. WSOs present at the Focus Group meeting were not opposed to

being deputized as long as staffing was increased so that their normal lifeguarding duties would not be compromised. In addition to deputizing lifeguards, the topic of cross-deputization (i.e. deputization across jurisdictions) was raised, since currently County WSOs only have jurisdiction before people enter State waters. In general, Focus Group participants encouraged the State and County to coordinate their efforts since their jurisdictions are side by side and users frequently enter both jurisdictions (i.e. beach and water).

One overarching issue at the meeting was that additional staffing support for current State and County safety and enforcement officers is needed. Focus Group participants felt that with more staffing, DOCARE and HPD could respond to calls in a more timely manner. Meeting participants also felt that officers would benefit from the rewriting of some rules that are currently vague (leading to inconsistencies in interpretation) or are otherwise hard to enforce.

Regulations and Inter-jurisdictional Issues

Chapter 251 (entitled “Waikiki and Kaanapali Ocean Waters”) and Chapter 256 (entitled “Ocean Recreation Management Rules and Areas”) of Section 13, HAR, were discussed at the Focus Group meeting. Kona-based DOBOR staff asked if the title of Ch. 251 could be changed to “Hawaii State Ocean Waters” so the rules within Ch. 251 could be applied statewide. Specifically, section 13-251-6 “examination of applicants”, which allows the department to determine what type of appropriate physical and written examinations may be appropriate before issuing operator permits. Kona-based DOBOR staff would like to see this language applied statewide to have better control over permits being offered for operators in Kahalu’u. The County Corporation Council representative at the meeting interprets Chapter 251 as already applying to statewide waters.

Kona-based DOBOR staff present at the meeting wanted to know why the program they had developed for a more stringent blue card surf instructor permit for Kahalu’u was not implemented by the DLNR. Oahu-based DOBOR staff replied that the Attorney General (AG) says there must be one test that fits everybody in the state—i.e. a statewide test, not a site-specific test. Therefore, the test that had been developed for Kahalu’u that required the 1,000 meter swim/1,000 meter run as a bare minimum entry level could not be considered a statewide standard for Ocean Safety. Kona-based DOBOR staff wanted to know, then, if the law was flexible enough to allow tailoring rules to the needs of each particular site.

Two years ago, when the Blue Card requirements were made stricter for Kahalu’u but were then eased back and made more lax again, it created difficulties for some operators such as Kona Beach Boys. Kona Beach Boys said at the meeting that they are still not able to get an operating permit. Commercial operators want to know if they can get a permit, how permits are issued, and how many are given out (i.e what is the carrying capacity?).

DLNR clarified that the Blue Card is the first level of permitting (like a captain’s license), and people with a blue card can operate throughout the state. There could be a hierarchy of permits with the next level, the ORMA permit, being a more site-specific

permit involving a more stringent test, if necessary for site conditions. The State wanted to know if the County would enforce that.

Focus Group participants were also concerned that there are only rules providing Blue Card Surf Instructor permits for instructors, but there are no rules addressing surf schools. They wondered how insurance requirements would be affected.

Participants also wanted the ORMA rules to be able to address all of the various commercial and non-commercial recreational activities occurring in ORMA waters (i.e. the whole Kona Coast), not just the surfers and canoes.

Current Progress/Successes

Commercial Operator Standards/Permits

Two years ago the Kona-based DOBOR sought to resolve safety and overcrowding issues at Kahalu'u by implementing stricter Blue Card standards and by having permittees comply with existing state and county off-street parking regulations. They also encouraged the buddy system, the use of colored rash guards, a minimum of two instructors for a new surfer (one instructor stationed at the beginning of the ride and one at the end), and other safety measures. They conducted several meetings, had the support of the community, and got the County involved. The committee certifying instructors consisted of a Hawaii County Lifeguard Captain, an American Red Cross Instructor, West Hawaii Water Patrol, a local waterman (Kupuna) and a DLNR, DOBOR representative. These ideas, although never fully implemented, could serve as a template for a new permit system for surf schools.

Human Use Research

The Kohala Center has received Hawaii Tourism Authority and NOAA funding to begin studying solutions to the problems at Kahalu'u. They have formed an advisory group and are hosting discussions with kupuna to learn more about the historical and cultural issues. The Kohala Center is also working with UH Sea Grant ReefTeach to document the number of shuttles with cruise ship passengers arriving at Kahalu'u Beach Park. Since 2000, UH Sea Grant ReefTeach volunteers have 'educated' Kahalu'u visitors about the coral ecosystem and how to be better reef visitors. They have also collected four years of data (beginning in 2003), documenting numbers of people in the water and on the beach during late mornings and early afternoons.

Ranger Program

The County put in a proposal to have a County Ranger at Kahalu'u. This would be loosely modeled after the State Ranger programs currently in place in Kona, Ha'ena, and South Maui. The Ranger Program that has been underway in South Maui for the past two years at 'Ahihi-Kina'u serves as a good example of how rangers (who are not law enforcement) can provide education and successfully coordinate with DOCARE and the police department to prevent poaching, archaeological site disturbances, marine mammal harassment, littering, graffiti, drinking and drug use, etcetera.

Stewardship Education

State representatives at the Focus Group meeting mentioned they are looking at other education/access models. Also, the DAR has recently developed and published a community guidebook to assist communities in ocean management.

Funding

The DAR has spoken with the Coral Reef Alliance about generating a preservation fund paid into by users. This would help address the concern of many Focus Group participants that if money is being made off the park, money should be going back into the park.

<h3>Suggested Solutions</h3>

Carrying Capacity

DLNR staff present at the Focus Group meeting acknowledged that commercial operator permits may be capped, but the numbers have not yet been determined definitively. Ongoing human use studies at Kahalu'u could be helpful in providing some of the baseline information necessary for establishing carrying capacity. CSV Consultants mentioned that one management model called "LAC", meaning the Limits of Acceptable Change, could be used to help the State, County, and community determine appropriate levels of use for Kahalu'u Beach Park. Other meeting participants recommended learning from the sustainable management study that UH is conducting at Hanauma Bay. Their three-pronged approach is to: (1) limit the number of people, (2) improve education (environmental and cultural), and (3) improve the facilities.

Educational Outreach

Focus Group participants feel that providing snorkelers with a basic snorkel class will help prevent coral trampling in Kahalu'u Bay.

Site-specific ORMA permits

Focus Group participants suggested leaving the Blue Card standards as they are (i.e. a less stringent but consistent statewide standard), but creating an additional ORMA permit for Kahalu'u that has stricter standards (and works off the model already developed and implemented for a short time at Kahalu'u by Kona-based DOBOR). This would, in effect, create a hierarchy of permits-- a site-specific ORMA permit after the statewide Blue Card. The ORMA permit would enable the hiring of Blue Card holders, but would place additional requirements on them. Using the model already created by Kona-based DOBOR, these ORMA permits could stipulate business practices, such as times of operation, areas of operation, total numbers of guests allowed, guide to guest ratio, etc. that would ensure safe and environmentally and culturally-friendly business practices. DLNR believes the ORMA rules can be tailored to be site-specific, but the AG must approve the amendments. If the AG approves, then the DLNR would conduct the rule-making public hearings in Kona. Meeting participants thought the following questions should be considered: How does the ORMA rule affect land-based activities? What about private property? How will traditional/cultural/ subsistence rights be addressed? How can District Managers be empowered to help develop site-specific permit stipulations?

Consistent Fee Structures

Some participants at the meeting suggested making fee structures more consistent for commercial operator permits.

Distribute Information to the Community and Commercial Users

Focus Group participants suggested creating a rule packet (informational document) for the community to help them understand County ordinances and State rules and regulations, including where subsistence fishing is legal. Participants wanted background information on the “menehune” sea wall and why it was built to be included in the packet to help clear up current misunderstandings about the wall.

Inter-jurisdictional Coordination and Rule Interpretation

Meeting participants wanted to see increased communication between County and State officers to better integrate their enforcement and ocean safety efforts. One of the DLNR, DOCARE officers present also mentioned the need to consider federal laws in addition to state and county laws as the DLNR evaluates rule amendments and its course of action.

Compliance, Education, and People Management

One strategy mentioned at the meeting for improving compliance and enhancing enforcement is to involve community “eyes and ears” groups, like Makai Watch, to coordinate protection efforts with rangers and DOCARE and HPD. They can report violations to HPD and DOCARE.

Focus Group participants suggested that perhaps a local group or hui could help manage the volume of people at Kahalu’u Beach Park, or perhaps the KIC could be approached about providing curatorship over Kahalu’u (citing Hale Mua at Kaawaloa as an example).

Other ideas from meeting participants relating to educational outreach aimed at improving stewardship behaviors at Kahalu’u Beach Park included: (1) creating an education center at the pavilion for on-site snorkel instruction and creating a flow of access to channel folks towards educational materials before they get into the water, (2) requiring cruise ships to hold snorkeling classes in the pool on the ship for their guests who want to later be shuttled to Kahalu’u, (3) meeting and greeting guests coming in on shuttles and providing education while they are on the bus to keep them focused, (4) providing floatation devices for snorkelers, (5) mandating tour operators to show educational videos regarding snorkeling etiquette, as is done at Hanauma Bay, (6) installing underwater educational signage (a “snorkeling trail”) to manage in-water flow of snorkelers, (7) offering free, on-site, immediate snorkel lessons based on peak annual use times, and (8) having an education and signage person available at all times on-site.

Enforcement

Focus Group participants wanted to see enforcement of unregulated cruise ship shuttle businesses that are operating in a grey (permit) area. One suggestion was to require ground transportation permits. Participants also wanted to see enforcement of people renting surf boards and snorkeling gear out of their vans.

Funding Sources

Meeting participants suggested the following possible funding sources for the support of education outreach and enforcement efforts at Kahalu’u Beach Park: (1) charge cruise ships a fee, (2) use an airport tax, and (3) ask visitors to pay a small conservation fee. It

was also mentioned that the State should hire an education officer. The DLNR did hire an Education and Outreach Coordinator in 2006.

Studies

Focus Group participants were interested in seeing the continuation of ongoing human use studies being conducted by UH Sea Grant ReefTeach in cooperation with The Kohala Center. Participants also supported the idea of conducting a carrying capacity study to determine what the area can handle commercially.

Cultural Sites

Participants at the meeting suggested that the “menehune” wall be repaired to improve shoreline safety, access, and cultural structure integrity. KIC has explored the idea of restoring this wall. The Office of Hawaiian Affairs and the Association of Hawaiian Civic Clubs, Hawaii Council, would like to see a Cultural Assessment of Kahalu’u conducted. Other recommendations included: (1) preventing surf instructors from using buoys in certain areas, (2) posting signage explaining subsistence fishing and other cultural uses.

Unresolved Issues

Additional questions posed by the Focus Group included:

- How much commercial use should be allowed at Kahalu’u? Are stakeholders supportive of caps on commercial use?
- What types of commercial activities require permits, how are these permits applied for, and how many permits will be available?
- Should all commercial use be shut down in the interim while solutions are determined between the County and State?
- Should capacity be controlled by limiting parking? Should there be fees for parking/use of the beach park?
- Will more safety issues be created if access is limited (from people using unsafe access areas)?
- Should Water Safety Officers be deputized and should County and State enforcement officers be cross-deputized?
- Is SCUBA diving the next looming conflict in Kahalu’u Bay?
- Could KIC repair the Kuemanu Heiau?
- Could reef stewardship videos be mandated for all cruise ships shuttling passengers to Kahalu’u Beach Park?
- Should there be site-specific ORMA Advisory Groups?

See next page for a listing of Kahalu’u Ocean Recreation Focus Group participants

This project was financed in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, United States Department of Commerce, through the Office of Planning, State of Hawaii.

Facilitator

1	CSV Consultants	Cheryl Vann
2	CSV Consultants	Judy Edwards

DLNR

3	Chairman	Peter Young
4	Project Coordinator	Jennifer Bethel
5	DOCARE	Charles Nahale
6	DOCARE	Lenny Terlep
7	DOCARE	Jackie Kalua'u
8	DOCARE	Jerome Judd
9	DOBOR	Ed Underwood
10	DOBOR	Nancy Murphy
11	DOBOR	Dan Mersburgh
12	DAR	Bill Walsh
13	DAR	Justin Viezbicke

Hawaii County

14	Aquatics Division, Ocean Safety Svcs	Chris Stelfox
15	Aquatics Division, Ocean Safety Svcs	Kaleo Hauanio
16	Parks and Recreation	Pat Engelhard
17	Office of the Mayor	Roy Takemoto
18	Corporation Council	Diane Noda
19	Planning Department	Nancy Pisicchio

Non-Profits

20	Kohala Center (Kahalu'u Project Coord.)	Betsy Cole
21	Kohala Center	Mark Littorin
22	Malama Kai	Carolyn Stewart
23	Assoc. of Hawaiian Civic Clubs, HI Council	Ruby McDonald
24	Kona Hawaiian Civic Club (N. Kona)	Jan Yang
25	Kuakini HI'n Civic Club of Kona (S. Kona)	Gene Leslie

Businesses

26	Jack's Diving Locker	Teri Leicher
27	Kona Beach Boys	Kalani Nakoa
28	Hawaii Hotel Association	Kurt Matsumoto
29	Kamehameha Investment Corp.	Francis Kauhane

Others

30	Masters Thesis (coral tramplng at Kahalu'u)	Ku'ulei Rodgers
31	UH Sea Grant	Sara Peck
32	Governor's West Hawaii Liaison	Andy Smith
33	Office of Hawaiian Affairs	Ruby McDonald
34	Retired HPD	Thomas Hickcox

Appendix 6.

Part 3. Kailua Ocean Recreation Focus Group Agenda and Meeting Summary



CSV Consultants

Aligning Recreational Use with Resource Protection
Maui cell (808) 214-0052---csvconsultants@hotmail.com

Kailua Ocean Recreation Focus Group

Tuesday, October 3, 2006

4:00 p.m. – 6:00 p.m.

Castle Foundation

146 Hekili Street, Suite 202

Kailua, Hawaii

PROJECT SCOPE

This Coastal Zone Management (NOAA) funded project is intended to produce tools and strategies for resolving ocean recreation user conflicts state-wide. Specific sports of interest are surfing, kayaking, kite boarding, snorkeling, and SCUBA. Five focus sites have been chosen (Kailua and Waikiki on Oahu, Hanalei on Kauai, Kahalu'u on the Big Island, and Kihei/Wailea/Makena area on Maui). Lessons learned from strategies developed for these focus sites will be reviewed for state-wide application.

MEETING AGENDA

- 4:00-4:10 pm I. Welcome and Introductions
- 4:10-4:30 pm II. Brief Project Synopsis and Meeting Goals/Format
- 4:30-5:10 pm III. Clarify Issues of Concern and Progress towards Resolution
- Inter-jurisdictional regulation and compliance
 - Protocols affecting resource protection, safety, and overcrowding
 - Impacts on natural and cultural resources
 - Traditional uses
 - Ocean Recreation Management Area (ORMA) rules
 - Other concerns/progress?
- 5:10-5:50 pm IV. Near Term and Long Term Goals
- Obstacles and constraints
 - Strategies and processes required
- 5:50-6:00 pm V. Mahalo
- Final Comments and Follow-up Information

This project was financed in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, United States Department of Commerce, through the Office of Planning, State of Hawaii.



Kailua Ocean Recreation Focus Group Meeting Summary

Meeting Date/Time: Tuesday, October 3, 2006, 4:00 p.m. – 6:00 p.m.

Meeting Location: Castle Foundation, 146 Hekili Street, Suite 202, Kailua, Hawaii

Meeting Facilitator: Cheryl Vann (CSV Consultants)

Attendees: Jennifer Bethel (DLNR), Scott Burch (UH Environmental Center/Mokulua Kayak Guides), Arlene Cabacungan (Hawaiian Watersports), Anne Gasc (Oahu Kite Club), Heidi Guth (Office of Hawaiian Affairs), Steve Haumschild (Kailua Sailboards and Kayaks/American Canoe Association), Wilfred Ho (City & County Dept. of Parks and Recreation), Jim Howe (City and County Ocean Safety), Charles Prentiss (Kailua Neighborhood Board, Parks Committee), David Smith (DLNR, DOFAW), Bob Twogood (Twogood Kayaks Hawaii, Inc.), Ed Underwood (DLNR, DOBOR), Peter Young (DLNR)

Additional Comments By: Chuck Burrows (Ahahui Malama I ka Lokahi)

Contact Information: See page 7 for a listing of Focus Group participants

The meeting summary is divided into four topics:

- Concerns/Problems
- Current Progress/Successes
- Suggested Solutions
- Unresolved Issues

Concerns/Problems

Resource Protection

Focus Group participants are concerned about protection of the nesting seabirds on the offshore island Wildlife Sanctuaries. In the past, trampling of the birds' burrows has led to bird deaths.

Education

Participants at the meeting said it is important not to lose control of our cultural obligation. Lanikai Point and Flat Island (Popo'ia) are known in chants. Cultural education and history is needed (should replace the incorrect information being given).

Access

Meeting participants stressed that public access for and ability to use areas for canoeing, surfing, fishing, and cultural activities need to remain available. They feel that fishing has already been impacted in this regard.

Recreational Use Conflicts

One concern was the interaction of various recreational ocean users (including kiteboarders, kayakers, windsurfers, and boaters) with swimmers. Meeting participants

said that sometimes kiteboarders and windsurfers stray into the swim zone, and the ORMA designated ingress/egress for kayaking is right in the swim zone—creating a conflict by design. At the boat ramp, swimmers are also sometimes in the launch area.

Focus Group participants' concerns about kiteboarding included: (1) kiteboarders getting too close to surfers at Flat Island (Popo'ia), (2) some novices and visitors not knowing where to launch from, and (3) a safety concern about the long lines on the beach. Kiteboarders present at the meeting clarified that there is already a designated ORMA launch and land zone for wind sports at Kailua Beach Park, and it's one of the only places where kites can easily launch.

While having so many different types of uses in the same area was mentioned as a safety concern, the County Ocean Safety Officer (OSO) present at the meeting said they purposely direct people to safe beaches—and Kailua is one of the areas which is relatively safe (the wind blows onshore, and the nearshore area has a primarily sandy substrate).

Overcrowding

Some Focus Group participants feel that Kailua is being “loved to death” with too much media exposure and increased use of the park. They are concerned about the effects this overcrowding is having on parking at Kailua Beach Park and in the Lanikai neighborhood near the beach access areas. (It was pointed out that only three access areas in Lanikai are owned by the government—all the rest are owned by the Lanikai Community Association.)

Safety

Ocean conditions can be rough around the Mokulua Islands, and the OSOs stationed at Kailua Beach Park are about one mile away from the islands. Meeting participants felt that it is often visitors who get into trouble because either they don't know what they're getting into, or they ignore warnings. Commercial operators present at the meeting said that although they may ask a person's experience level before renting equipment, they are not always given accurate information.

Commercial Use

Some Focus Group participants are concerned that tourism is affecting all areas of Kailua and that commercial activities are being conducted on public property. They stressed that public recreation needs to come first according to the DLNR hierarchy of resources first, public use second, and commercial use third. Some questioned whether commercial operators should even be allowed to operate at Kailua Beach Park. If they are allowed to operate there, meeting participants agreed that they should be insured, responsible, and give safety, cultural, and environmental briefings when renting equipment or leading tours. Everyone also agreed that “renegade” operators not operating by the rules and not operating safely should not be tolerated. One question that was posed during the meeting was how is commercial activity being defined—does it include someone who rents equipment but does not participate in a guided tour?

Commercial operators present at the Focus Group meeting said that guided tours can provide briefings, a land-based person (for safety reasons), a low guide to guest ratio, an additional set of eyes and ears on the water, and other features to increase resource protection, safety, and quality of experience. The point of rental was also mentioned as a good place for information to be provided to visitors and beginners about safety and environmental and cultural etiquette. Other meeting participants noted, though, that commercial trips do not always mean safety—especially if unguided—like at Hanauma Bay where there are quite a few snorkeler fatalities.

Enforcement

Focus Group participants felt that more enforcement is needed, and more resources need to be made available to enforcement to facilitate this. Meeting participants think a little enforcement would go a long way towards encouraging compliance. DLNR representatives present at the meeting wanted to know what DLNR needed to enforce versus what falls under the County’s jurisdiction.

Inter-jurisdictional Cooperation

Different levels of jurisdiction include federal boating law, county jurisdiction, and DLNR land and DOBOR jurisdiction. Meeting participants said it is hard for recreational users to know which branch of government regulates which areas, and that the State and County need to work together to streamline permits and enforcement where these jurisdictions meet. One concern was inconsistencies in how certain sports, such as kiteboarding, are being defined across jurisdictions.

Current Progress/Successes

Support for Gill Net Ban

Fishermen have been supporting the State in implementing a lay gill net ban for Kailua Bay.

Laws protecting Beach Parks from business transactions

Rules are already in place to protect public beaches from certain aspects of commercialism, such as the rule not allowing money exchanges at public beach parks.

Sports Club Involvement and Gentlemen’s Agreements

The Oahu Kite Club (OKC) has worked with the DLNR to develop signage to better inform beach users of the designated ORMA launch/land zone. The OKC has been self-policing and has had some success in getting other kiteboarders to comply with rules of etiquette. The OKC also proactively asks other kiteboarders to stay out of the water during canoe races.

Funding for Resource Protection

One of the kayak companies in Kailua charges an extra \$5 per guest, which goes to the DLNR Forestry and Wildlife Division to protect the Mokulua Islands.

Successful Management Models

Focus Group participants cited examples elsewhere in the State of successful ways to prevent/resolve ocean recreation user conflicts. They included: (1) permits for kayaking and camping along the Na Pali Coast that have been successful in limiting numbers of users in the area, (2) the Na Ala Hele trail reservation system on Oahu that has been successful in limiting the number of hikers on trails, and (3) the National Park System's success in managing people's behaviors while they are inside the park through a combination of an enforcement/ranger presence and plenty of educational signage. One Focus Group participant also mentioned successful management models occurring elsewhere in the world, including how eco-certifications have been used successfully by the National Park Service and in Nepal and Costa Rica.

Suggested Solutions

Focus Group participants suggested the following solutions:

Resource Protection

- No dogs or fires should be allowed on the offshore islands.
- Environmental impacts need to be considered when considering the islands' carrying capacity.

Educational Outreach, Role Modeling, and Marketing

- Educational outreach efforts would need to be split into two areas: visitors and residents, since these groups are different from one another in a number of ways.
- Visitors want a quality experience but don't necessarily have a mechanism in place for knowing which companies operate low-impact, quality, safe tours. One mechanism that could enable visitors to choose responsible operators would be through an eco-certification program for Hawaii, as discussed in Wendy Kerr's thesis work. Such a program could identify which businesses were truly "eco-tours", and could provide these companies with a marketing edge. However, would liability for the certifier be an issue?
- Sports clubs that have clear codes of conduct can provide one way of role modeling appropriate behavior to beginners and to visitors (which have a high turnover rate). These clubs can also exert peer pressure on people choosing not to comply, and can serve as "eyes and ears" for enforcement personnel.

Signage and Enforcement

- Post signs letting swimmers know where the kayak, windsurfing, and kiteboarding ingress/egress areas are. Mark the water portion of these ingress/egress zones with buoys. Better delineating these areas should help people comply with the ORMA rules already in place.
- Utilize community watch groups, like Mauka-Makai, to help ensure enforcement by reporting violations.
- Increase the number of enforcement personnel to ensure faster response times.
- Create a "slow no-wake" boating zone within part of the Kailua Bay waters.

Safety

- Add lifeguard services and equipment (at a cost of roughly \$400,000 per year), or create self-regulation within the industry.
- Improve compliance in a self-regulated system through the enforcement of adherence to standards of operation (such as stipulations in a permit agreement).
- Form an organization of commercial operators to discuss ideas for increasing safety and resource protection within the industry.
- Encourage open ocean swimmers to wear colored caps to increase their visibility, both to other water users as well as to lifeguards and rescue personnel. This could be part of a more broad-based ocean safety educational outreach campaign.

Funds for Resource Protection

- Consider adding a \$5 (or similar) fee per guest for kayak tours to the Mokulus, and ensure that these funds get routed directly to preservation work occurring there, rather than to the general fund. Studies have shown that tourists are willing to pay a few extra dollars to promote resource protection of the areas they are enjoying. Hanauma Bay has successfully been charging a small fee for years (aided by the narrow, controlled access point).
- Consider creating a County park ranger system, but it would be costly—an estimated \$7 million for Hawaii.

Amending the Rules

- Create a mechanism for regulating new sports that aren't yet written into the rules (e.g., lump them into categories based on whether they are motor propelled, wind propelled, self propelled, or breathing assisted).
- Create consistency in the definition of terms between county and state.

Permit System

- If it is decided that a limited number of responsible commercial operators will be allowed to operate in Kailua, these businesses could be regulated through a permit system, which stipulates good business practices, including safety and resource protection.
- A clear permit system would support enforcement efforts.

ORMA Advisory Group

- Create a more consistent and formalized advisory group for this area.

Unresolved Issues

Additional questions posed by the Focus Group included:

- Should there be commercial activities allowed at Kailua Beach Park? How much and in which areas?

- How exactly do the State and County need to work together to streamline inter-jurisdictional issues, and what type of permitting system, if any, would be developed?
- There needs to be a mechanism for regulating new sports that aren't yet written into the rules.

See next page for a listing of Kailua Ocean Recreation Focus Group participants

This project was financed in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, United States Department of Commerce, through the Office of Planning, State of Hawaii.

Facilitator

1	CSV Consultants	Cheryl Vann
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DLNR

2	Chairman	Peter Young
3	Project Coordinator	Jennifer Bethel
4	DOBOR	Earl Omoto
5	DOBOR	Ed Underwood
6	DOFAW	Dave Smith
7	DAR	Jeffrey Walters
8	DAR	Athline Clark
9	DOCARE	Gary Moniz

City & County of Honolulu

10	Emergency Services	Jim Howe
11	Parks & Recreation	Will Ho

Non-Profits

12	Offshore Island Restoration Committee	Chris Swenson or Ken Foote
13	Community Conservation Network	Debbie Gowensmith
14	Oceanic Institute	Alan Friedlander
15	Oahu Kite Club	Anne Gasc
16	Kailua Hawaiian Civic Club	Minoos Elison

Operators/Businesses

17	Mokulua Kayak Guides	Scott Burch
18	Naish Hawaii	Rick Naish
19	Kailua Sailboards & Kayaks and Rep. for Hawaiian Div. of the American Canoe Association	Steve Haumschild
20	Twogood Kayaks Hawaii, Inc.	Bob Twogood
21	Hawaiian Watersports	Arlene Seymour

Others

22	Kailua Neighborhood Board Chair	Kathy Bryant-Hunter
23	Kailua Neighborhood Board, Parks & Recreation Committee Chair	Charles Prentiss
24	NPS Pacific Islands Coral Reef Program	Larry Basch
25	Kailua Chamber of Commerce	Representative
26	Office of Hawaiian Affairs	Heidi Guth
27	Ahahui Malama I ka Lokahi	Chuck Burrows

Appendix 6.

Part 4. South Maui Ocean Recreation Focus Group Agenda and Meeting Summary



CSV Consultants

Aligning Recreational Use with Resource Protection
Maui cell (808) 214-0052---csvconsultants@hotmail.com

South Maui Ocean Recreation Focus Group

Tuesday, October 17, 2006

1:30 p.m. – 3:30 p.m.

Kihei Community Center

303 East Lipoa Street

Small meeting room

PROJECT SCOPE

This Coastal Zone Management (NOAA) funded project is intended to produce tools and strategies for resolving ocean recreation user conflicts state-wide. Specific sports of interest are surfing, kayaking, kite boarding, snorkeling, and SCUBA. Five focus sites have been chosen (Kailua and Waikiki on Oahu, Hanalei on Kauai, Kahalu'u on the Big Island, and Kihei/Wailea/Makena area on Maui). Lessons learned from strategies developed for these focus sites will be reviewed for state-wide application.

MEETING AGENDA

- 1:30-1:40 pm I. Welcome and Introductions
- 1:40-2:00 pm II. Brief Project Synopsis and Meeting Goals/Format
- 2:00-2:40 pm III. Clarify Issues of Concern and Progress towards Resolution
- Inter-jurisdictional regulation and compliance
 - Protocols affecting resource protection, safety, and overcrowding
 - Impacts on natural and cultural resources
 - Traditional uses
 - Surf schools
 - Ocean Recreation Management Area (ORMA) rules
 - Other concerns/progress?
- 2:40-3:20 pm IV. Near Term and Long Term Goals
- Obstacles and constraints
 - Strategies and processes required
- 3:20-3:30 pm V. Mahalo
- Final Comments and Follow-up Information

This project was financed in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, United States Department of Commerce, through the Office of Planning, State of Hawaii.



South Maui Ocean Recreation Focus Group Meeting Summary

Meeting Date/Time: Tuesday, October 17, 2006, 1:30 p.m. – 3:30 p.m.

Meeting Location: Kihei Community Center

Meeting Facilitators: Cheryl Vann and Judy Edwards (CSV Consultants)

Attendees: Randy Awo (DOCARE), Sharon Ioana Bailey Balidoy (Canoe coach and kumu hula), Jennifer Bethel (DLNR), Jim Coon (Ocean Tourism Coalition), Nancy Daschbach (HIHWNMS), Toni Davis (Activities and Attractions Association), Liz Foote (Project S.E.A.-Link and Coral Reef Alliance Rep.), Kimokeo Kapahulehua (Local resident), Martin Kirk (Kite School of Maui), Miqe Klemme (Maui Thrills Eco Tours), Teri Leonard (Maui Dreams Dive Co.), Leimamo Lind (Maui Hotel Association), Miles Lopes (DOBOR), Matt Ramsey (DOFAW), Bob & Lis Richardson (Kihei Community Association, Parks Committee), Thelma Shimaoka (OHA), Bob Straub (County Parks and Recreation), Rene Umberger (Octopus Reef Dive Shop), Ed Underwood (DOBOR), Matt Yamamoto (DOCARE)

Additional Comments by: Darrell Tanaka (Fisherman) and Gary Hashizaki (Fisherman)

Contact Information: See pages 9 and 10 for a listing of Focus Group participants

The meeting summary is divided into four topics:

- Concerns/Problems
- Current Progress/Successes
- Suggested Solutions
- Unresolved Issues

Concerns/Problems

Resource Degradation

Focus Group participants agreed that there are negative side effects of people using the ocean. These include marine debris from fishing, reef damage from snorkelers standing on the reef or divers inadvertently bumping against it, overfishing, accidental tour boat collisions with whales, accidental sewage leaks, and fish feeding.

Marine Protected Areas

Meeting participants differed considerably in their views on Marine Protected Areas (MPAs). Some felt that MPAs will increase fish populations, and others felt that MPAs cater to commercial operators and exclude fishermen. One participant commented that if the MPAs are resulting in a dispersal of fish to other reefs, the effects are very small and barely measurable. The idea was raised of rotating the conservation areas to allow some fishing. However, that hasn't really worked on Oahu in the Waikiki-Diamond Head Shoreline Fishery Management Area, where there is a derby mentality whenever the areas are reopened. The NOAA representative at the meeting said that rotation works best

for a resource that is short-lived, but reef fish live 25 years. The bigger, better breeders are being overfished, so production is down. Fishermen within the Focus Group said that closing off shoreline areas to fishing forces fishermen into smaller areas, and the fish are then depleted at a faster rate—so a portion of the reef within an MPA may be saved, but the rest of the island’s reefs are sacrificed.

Other meeting participants noted that establishing MPAs, such as Marine Life Conservation Districts (MLCDs), can be a necessary tool for responding to and controlling extractive behaviors. For example, Hulopoe Bay on Lana’i was declared an MLCD in 1973 after slate pencil sea urchins were cleaned out over just one weekend.

The ‘Ahihi-Kina’u Natural Area Reserve (NAR) was supported as a positive effort to protect fishery and other resources. Fishermen within the Focus Group were concerned, though, that the calm, easily accessible areas elsewhere also receive some sort of protection. They suggested that, ideally, protected areas should be where the nursery areas are, like the shallow waters located in the vicinity of the fishpond in front of the Hawaiian Island Humpback Whale National Marine Sanctuary building and extending a few miles south.

Subsistence Fishing Access

Some meeting participants are concerned that fishing and other cultural practices are in jeopardy along the South Maui coastline, in part because homes and hotels line the shoreline, limiting access to the beach and ocean. Fishermen participating in the Focus Group said they prefer shoreline access that isn’t just a parking lot and a 400 foot pathway to the beach. They have a lot of gear to carry and like their vehicles where they can keep an eye on them. Access is also limited in some places overnight (including Makena State Park). Nighttime fishing is preferred by some fishermen because there are not a lot of recreational ocean users in the water and fishermen can often catch the more desirable fish (e.g., ulua). Fishermen are concerned about more possible closures. State closures generally do not benefit local, traditional practices.

DLNR representatives at the Focus Group meeting said they understood that some view closures as the result of government failing to properly manage the resource, while others view closures as the only solution if the staffing to properly manage the resource is not available. While temporary closures give management a tool to assess the situation and move forward with other management tools, in the meantime all kinds of users are displaced.

Aquarium Collectors

Some Focus Group participants were concerned that certain species of fish are being depleted in certain areas. According to the Maui Dreams Dive Company representative, quarterly REEF fish surveys conducted at Ulua Beach show an absence of yellow tangs and some species of butterfly fish. The concern is that these species are being over-collected by aquarium collectors, that collections are not being reported, that the death rate of collected fish is high, and that people living on islands where aquarium collection is banned are traveling to Maui to collect these fish.

Fishing Techniques

One fisherman within the Focus Group made the point that some fishing techniques are selective (e.g., spearfishing) whereas others are indiscriminant (e.g., lay gill nets). While many meeting participants agree that selective fishing methods are less wasteful and therefore better for the environment, it is also true that some selective techniques could be harmful if used to gather large quantities of fish. Bag limits were suggested as a helpful way of regulating selective fishing techniques and were preferred by fishermen within the Focus Group over outright bans of some of these selective methods (such as SCUBA spearfishing).

Recreational Use conflicts

Focus Group participants agreed that recreational use conflicts are occurring between and among residents and visitors both in commercial and non-commercial ocean recreation activities.

One Focus Group participant felt there is a growing sense of animosity between ocean recreation users due to resource pressures (i.e., fish depletion). One concern is the disruption of fish at favorite fishing locations from high activity levels in the ocean (from both commercial and non-commercial recreational uses). Another Focus Group participant said the perception of fishermen has changed over the past 15 years. In 1990, spearfishers were revered as adventurers; now they have become “the enemy” and sometimes get harassed by other ocean recreation users.

Jet skis were another source of concern for meeting participants representing the Kihei Community Association and County Ocean Safety. Jet skis are launching from the Kihei boat ramp and going right through the nearshore waters of the Kamaole Beach Parks, coming in too close to swimmers and snorkelers. At Kihei Boat Ramp there are also conflicts occurring between surfers and boaters. Surfers paddling to their wave break are getting in the way of boats in the channel.

Day Use Moorings at Molokini Crater

The DLNR, Division of Aquatic Resources (DAR) representatives participating in the Focus Group were concerned that there is no regular funding program in place for the maintenance and placement of day use moorings at Molokini Crater. The DAR does partner with the Maui Reef Fund, a consortium of conservationists, educators, private boating companies, and others who formed an alliance to generate money from passengers on commercial recreational tour boats for marine education, mooring buoy placement and maintenance, and other projects. While grateful for the funding and assistance in placement and maintenance of mooring buoys provided by the Maui Reef Fund, Maui-based DAR staff were concerned that their government agency be in charge of deciding the final placement location of such buoys. As a government agency they need to ensure that the area is safe and easily accessible to others and that placement of the buoys does not cause damage to the reef.

DAR staff were also concerned that the zones “A”, “B”, and “C” designated in the Hawaii Administrative Rules, §13-257-52, are not in alignment with the actual location

of the moorings, which were placed based on habitat considerations. Therefore, not all boats carrying more than 12 passengers are restricting their use to Zone A.

In addition, Maui-based DAR staff are concerned about several “pirate” (illegal) moorings that have been installed along the Makena coast. Often these moorings consist of a garbage can filled with cement that has chains tied to it. It is surmised that part of the reason for these pirate moorings may be that the mooring permitting and installation process is so lengthy.

Overcrowding

Focus Group participants feel that South Maui is already congested, in part due to the marketing of the area. The *Maui Revealed* guide book was mentioned as one particularly popular guide book among Maui’s visitors.

Some Focus Group participants wanted to know if there would be more parks created to ease current congestion. But others said that County and State officials are already overtaxed just monitoring existing parks.

Commercial Operators

Some Focus Group participants feel that Hawaii is over-commercialized. One participant wanted to keep the south side free of all commercial activity permits so as not to create another Ka’anapali. A commercial operator present at the meeting responded that commercial operators are already only allowed at 26 (i.e. roughly half) of the County beach parks.

One idea meeting participants agreed on is that better training and protocols would make a better industry overall. There were questions about whether commercial operators could undergo some sort of standardized certification process. One suggestion was for commercial operator permits to require certain protocols that would help protect natural and cultural resources and promote safety. The Maui County Parks & Recreation representative present at the meeting also mentioned the importance of creating an enforcement presence to promote higher levels of compliance within the industry. Commercial operators in attendance expressed that they want more enforcement.

One meeting participant mentioned a concern about shark cage tours. The DLNR clarified that shark cages are not allowed in State waters (so therefore have to be three miles offshore). With so many islands clustered together in Maui County, three miles out from the furthest shoreline point means additional buffer space for the closer shoreline areas.

Permits

Focus Group participants were supportive of the establishment of a more over-arching permitting process. Several participants expressed concern over problems occurring in the absence of such a process, and find long-term commitments in the commercial ocean recreation industry to be preferable, positive, and a contribution to community/resource stability. Participants would also like to see the new permitting process contain more

requirements, such as background checks and a number of years of experience required, etc.

Some commercial operators within the Focus Group expressed concern over having permits opened up to a bidding process. Their concern is that bidding could favor powerful mainland companies over local businesses. However, other participants in the group clarified that permits are usually awarded based on a number of factors, and the amount of “rent” paid is just one of those factors. State law requires opening permits to the bidding process unless they are for less than a year or for a non-profit entity.

Eco-certification

Eco-certification was mentioned as one possible venue for helping to address inconsistent business stewardship standards. Wendy Kerr’s masters thesis work examined eco-certification in Hawaii and the potential to implement it statewide. But some Focus Group participants feel eco-certification won’t work, in part because it may be hard to get all operators to agree on what the proper protocols are.

Enforcement

Focus Group participants wanted to see better coordination between the County and State in regards to enforcement, and suggested an opportunity for cross-deputization. An example was given where Washington State enforcement officers volunteer their time at city parks (they just don’t wear firearms when not in their own jurisdiction and they have to be aware of the rule differences).

The idea of deputizing lifeguards was also suggested. Some meeting participants felt that County Ocean Safety Officers would not want this responsibility because it could take their attention away from their primary lifesaving duties. OSOs suggested the idea of creating a separate Ocean Safety Enforcement Division. All OSOs would be trained in enforcement, but only those working within the Enforcement Division would carry out those duties. Personnel would be able to transfer between divisions as needed. Since Ocean Safety is one of the only agencies that requires their employees to complete a physical test on an annual basis (the 1,000 meter run and 1,000 meter swim), older OS officers close to their retirement who are very knowledgeable but are no longer able to pass the physical test could benefit from having alternative duties, such as enforcement, available to them.

Inter-jurisdictional Issues

There was some confusion among Focus Group participants as to where State laws and jurisdiction end and where County laws and jurisdiction begin. DLNR staff clarified at the meeting that State law does not supercede County law; the State recognizes that the County has jurisdiction and won’t impose on County rights. It was also clarified that unencumbered State land is under the jurisdiction of the DLNR, as are State waters up to the high wash of the wave.

Funding

Focus Group participants suggested creating private/public partnerships to raise funds for existing parks and for land acquisition for the creation of new parks. An example was

given of WiFi parks created in King County (in Seattle) through a partnership with MSN, where the County was given \$1.2 million worth of equipment and services.

Current Progress

CORA Study

Maui's County Council voted to pay \$175,000 for an Environmental Assessment of all County parks used for commercial operation and to freeze County permits until the study was completed. The resulting study, the Draft Commercial Ocean Recreational Activity (CORA) study, was produced in March 2005 by Munekiyo & Hiraga, Inc. for the County of Maui Department of Parks and Recreation. The study findings and recommendations will be used by the County as a basis for developing their final rules, which will ultimately govern the administration of permits for CORA operators.

The County Parks and Recreation representative at the Focus Group meeting said that park-specific CORA licenses will be issued and in order for people to get permits, there will be a training/education component. The consultant visited each area and came up with proposals for the maximum number of permits/licenses based on capacity. In areas where there are already more operators in business than is appropriate for capacity, the County will not take away the extra licenses, but will make them non-renewable and allow for attrition. The County Parks and Recreation representative felt that this CORA study would be helpful to State efforts to control ocean recreation uses, since CORA licenses will, to a certain extent, control access to the ocean.

Weddings were not part of the CORA study, although some Focus Group participants believe they are creating just as much of an intrusion. The County is developing a baseline for weddings, including rules that will help address concerns.

County Ordinances

The Maui County Council has recently approved a law punishing illegal commercial operations with a \$1,000 fine or 30 days in jail. In addition, Maui County Parks and Recreation went back to the rules and made the sidewalks part of the parks, so that renegade operators couldn't operate off the sidewalks and say they weren't in the County park (as was happening with surf school operators at Cove Park). The first offense is a \$250 fine, the second offense is a \$500 fine and 30-day suspension, and with the third offense the permit is revoked and the operator is disqualified for one year.

Educational Outreach and Research

Ongoing educational outreach and research programs occurring in South Maui include (1) workshops being conducted by the Coral Reef Alliance (CORAL) in partnership with industry operators to develop voluntary standards and protocols for commercial ocean recreation operator etiquette, (2) Ocean Awareness Classes, which were created through a collaborative effort between many local organizations, agencies, and businesses to increase public awareness of rules, stewardship etiquette, and ocean safety, (3) Reef Environmental Education Foundation (REEF) Fish Surveys being coordinated through Project S.E.A.-Link and HWF, involving volunteer divers and snorkelers as participants

in a nation-wide program developed in 1990 to create a publicly-accessible database available to a variety of resource agencies and researchers, (4) the Makai Watch program initiated by the Community Conservation Network, HWF, The Nature Conservancy, and DLNR, DAR, involving citizens in providing education to the general public and reporting natural and cultural resource abuses to DOCARE, the MPD, and State Rangers, and (5) the Hawksbill Recovery Project, involving hawksbill and green sea turtle tracking, monitoring, and nest protection efforts conducted by HWF with the support of the volunteer “Beach Patrol” program.

Proposed lay gill net ban

Fishermen and others within the Focus Group felt that the lay gill net ban proposed for Maui should go a long way in counteracting the negative consequences of overfishing. According to Focus Group participants, similar bans in other parts of the world have had good results with fish returning.

Marine Debris Clean ups

Octopus Reef Dive, Maui Dreams Dive Company, the Sierra Club, Hawaii Wildlife Fund, and others have been proactive in cleaning up marine debris along the South Maui coastline.

Resolving User Conflicts

There are a number of “gentlemen’s” agreements in place in South Maui that have been worked out among diverse users to help prevent conflicts from occurring. These include the work of Focus Group participants who have joined with other paddlers, kiteboarders, windsurfers, and fishermen in South Maui to create times and use zones to avoid user conflicts. Similar types of agreements are also in place on Maui’s north shore (at Kanaha and Ho’okipa).

Funding

The Maui Reef Fund (with Hawaii Wildlife Fund as their fiscal agent) is generating several thousands of dollars for marine education, mooring buoy placement and maintenance, and other projects in South Maui.

State Ranger Program

There are two DLNR, DOFAW Rangers patrolling the ‘Ahihi-Kina’u NAR and Keone’o’io (La Perouse Bay). While they have no law enforcement authority, they work closely with DOCARE and the MPD to prevent illegal fishing, poaching, endangered species harassment, and cultural site degradation. Hawaii Wildlife Fund naturalists stationed within the NAR to provide visitors and residents with natural and cultural resource etiquette information work closely with the State Rangers in relaying information about poaching or other illegal activities occurring in the NAR.

County Rangers

The County is creating an enforcement presence with their two park rangers. They feel that visibility of enforcement entities is necessary to promoting compliance. These park rangers can call the police in for assistance and will soon be getting dispatch radios with a direct line to the police.

Suggested Solutions

Focus Group participants suggested the following solutions:

Resource Protection

- Regulate fishing and have adequate enforcement to catch the “bad apples” who take too many fish. Regulations are seen by fishermen within the Focus Group as a compromise between a free-for-all fishing area and an MPA.
- Regulate aquarium fishing to limit the number of juvenile fish caught and to create catch limits. Create statewide rules for aquarium collecting so that collectors from “off-limits” areas aren’t encouraged to island hop to deplete other areas. Focus Group participants felt that such regulations are good for the resource and for the business’ long-term interests.
- Set bag limits for fishermen and limit the number of people allowed to fish at any certain time.

Education

- Educate collectors and recreational users. Educate users before they access the resource.

Zoning

- Designate no-boat swim areas. Designated swim areas (marked with buoys) should be created to keep jet skis out. It would be illegal for boats to enter shore-side of the buoys.
- Create rules to regulate surf zones, especially ingress/egress areas. For example, create rules to restrict surfers in the channel at the Kihei Boat Ramp – the boats have the right-of-way.

Public Input

- Create a South Maui ORMA Advisory Group as a good platform for continuing to resolve ocean recreation user conflicts and protect marine resources.

Studies

- Document the efficacy of the MLCs.
- Document the causes of resource depletion.

Regulations & Management

- Perhaps an appropriate model for Hawaii is partial closures for different users with public participation and input.
- Make the Ocean Awareness Classes a prerequisite for commercial recreational permit holders.
- Regarding any moorings, federal and state permits should first be obtained before the mooring is put in, to ensure the location is not detrimental to other users or to the environment.

Enforcement

- Increase the enforcement capacity of both the State and the County
- Consider cross-deputization between State and County officers, and consider the deputization of Ocean Safety Officers.

Funding

- Consider models of public/private partnership as potential long-term funding sources for resource protection.
- Heavily tax guide books and give collected fees to the DLNR to provide facilities at those overcrowded beaches.
- Create standardized systems of funding to support State Rangers so they're not reliant on "soft" monies.
- If the money stayed on Maui, most commercial operators wouldn't mind paying more into a conservation fund.

Commercial Operators

- Build value into eco-certifications by allowing the State and County to reward eco-certified businesses with a reduced permit fee, or with a better chance of acquiring a contract, etc.

Unresolved Issues

- Are people able to practice traditional/cultural practices now?
- What are best fish management practices?
- What are other sources of funding for enforcement?

This project was financed in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, United States Department of Commerce, through the Office of Planning, State of Hawaii.

South Maui Ocean Recreation Focus Group Participants:

Facilitator

1	CSV Consultants	Cheryl Vann
2	CSV Consultants	Judy Edwards

DLNR

3	Chairman	Peter Young
4	Project Coordinator	Jennifer Bethel
5	DOCARE	Randy Awo
6	DOCARE	Matt Yamamoto
7	DOBOR	Miles Lopes
8	DOBOR	Ed Underwood

9	State Parks	Phil Ohta
10	DAR	Skippy Hau
11	DAR	Russell Sparks
12	DOFAW	Matt Ramsey

Maui County

13	Ocean Safety Officer	Archie Kalepa
14	Parks and Recreation	Bob Straub

Non-Profits

15	Ocean Tourism Coalition	Jim Coon
16	Maui Hawaiian Civic Clubs	Representative
17	Maui Tomorrow representative	Ed Lindsey
18	Maui Reef Fund & HI Wildlife Fund	Hannah Bernard
19	Project SEA-Link & CORAL Rep.	Liz Foote
20	Kihei Community Assoc., Parks Committee	Bob & Lis Richardson
21	Activities & Attractions Assoc.	Toni Davis

Businesses

22	Kite School of Maui	Martin Kirk
23	Maui Dreams Dive Co.	Teri Leonard
24	Octopus Reef Dive	Rene Umberger
25	Maui Thrills Eco Tours	Miqe Klemme
26	Maui Hotel Association	Leimamo Lind
27	Maui Beach Services	Michael Kelley
28	Kayak Association of Maui	Roger Simonot

Others

29	Governor's Liaison for Maui	George Kaya
30	Luuwai Family	Maile Luuwai
31	MACZAC	Donna Brown
32	Local Resident	Dino Ventura
33	HIHWNMS	Nancy Daschbach
34	Office of Hawaiian Affairs	Thelma Shimaoka
35	Local resident	Kimokeo Kapahulehua
36	Canoe coach and kumu hula	Sharon Ioana Bailey Balidoy
37	Fisherman	Darrell Tanaka
38	Fisherman	Gary Hashizaki

Appendix 6.

Part 5. Waikiki Ocean Recreation Focus Group Agenda and Meeting Summary



CSV Consultants

Aligning Recreational Use with Resource Protection
Maui cell (808) 214-0052---csvconsultants@hotmail.com

Waikiki Ocean Recreation Focus Group

Wednesday, October 4, 2006

10:00 a.m. – 12:00 p.m.

DLNR Boardroom, Room 132

Kalanimoku Building

1151 Punchbowl Street

Honolulu, Hawaii

PROJECT SCOPE

This Coastal Zone Management (NOAA) funded project is intended to produce tools and strategies for resolving ocean recreation user conflicts state-wide. Specific sports of interest are surfing, kayaking, kite boarding, snorkeling, and SCUBA. Five focus sites have been chosen (Kailua and Waikiki on Oahu, Hanalei on Kauai, Kahalu'u on the Big Island, and Kihei/Wailea/Makena area on Maui). Lessons learned from strategies developed for these focus sites will be reviewed for state-wide application.

MEETING AGENDA

10:00-10:10 pm I. Welcome and Introductions

10:10-10:30 pm II. Brief Project Synopsis and Meeting Goals/Format

10:30-11:10 pm III. Clarify Issues of Concern and Progress towards Resolution

- Inter-jurisdictional regulation and compliance
- Protocols affecting resource protection, safety, and overcrowding
- Beachboy Concessions/Surf schools
- Concession agreements through hotels
- Ocean Recreation Management Area (ORMA) rules
- Other concerns/progress?

11:10-11:50 pm IV. Near Term and Long Term Goals

- Obstacles and constraints
- Strategies and processes required

11:50-12:00 pm V. Mahalo

- Final Comments and Follow-up Information

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Waikiki Ocean Recreation Focus Group Meeting Summary

Meeting Date/Time: Wednesday, October 4, 2006, 10:00 a.m. – 12:00 noon

Meeting Location: DLNR Boardroom, Room 132, Kalanimoku Building, Honolulu, HI

Meeting Facilitator: Cheryl Vann (CSV Consultants)

Attendees: Jennifer Bethel (DLNR), Athline Clark (DLNR, DAR), John Clark (independent consultant), Kitty Courtney (Tetra Tech), Dolan Eversole (DLNR, OCCL), Robert Finley (Waikiki Neighborhood Board), Heidi Guth (Office of Hawaiian Affairs), Gail Haraguchi (City & County Dept. of Enterprise Services), Mike Jones (DLNR, DOBOR), Noa Napoleon (concerned citizen), Murray Towill (Hawaii Hotel and Lodging Association), Charlene Unoki (DLNR, LAND), Roy Yanagihara (DLNR, DOBOR)

Additional Comments By: Bob Hampton (Waikiki Beach Activities, Ltd.), and Errol and Theodora Kane (Hawaii Hot Spots Surf School)

Contact Information: See page 6 for a listing of Focus Group participants

The meeting summary is divided into four topics:

- Concerns/Problems
- Current Progress/Successes
- Suggested Solutions
- Unresolved Issues

Concerns/Problems

Marine Protected Areas

Focus Group meeting participants were concerned that the fish population within Waikiki's Marine Protected Areas (MPAs) is suffering from a number of problems, including the walls, groins, and other infrastructure impeding the potential of the seed bank, along with habitat degradation. They were concerned about poaching occurring in the no-take area. They also suggested adding the MPAs to the Focus Site map.

In the State of Hawaii there are two major types of MPAs: Marine Life Conservation Districts (MLCDs) and Fishery Management Areas (FMAs). The MLCD regulates taking of any marine life--fish, algae, coral, and "live rock." What it doesn't regulate is activities that are deemed non-extractive like swimming, snorkeling, and SCUBA diving, whether occurring commercially or non-commercially. The Waikiki-Diamond Head Shoreline FMA established in 1981 is open to fishing in even-numbered years and closed to fishing in odd-numbered years. The purpose of opening and closing the FMA to fishing every other year is to decrease overall fishing pressure, and to allow fish populations to recover during closures. However, meeting participants were concerned that the "derby mentality" (i.e. intense fishing pressure when the FMA is open) may offset the benefits of closures. The DAR is currently in dialogue internally about whether the FMA should be

relocated or other rules amended. One idea may be to extend the FMA to the other side of the channel, perhaps creating a more natural border for the FMA.

The MPAs are meant to enhance and restore the fish population. Marine protected areas can have a variety of benefits, but with respect to fishing they can (a) protect populations of larger, reproductive fish within their boundaries, (b) support fishing by "spillover" where (larger) fish from the reserve leave and get caught, and (c) support fishing by increasing recruitment. Studies have shown that there is more biomass in the MLCD, so it has accomplished (a). Additionally, tracking data has shown that fish (like omilu and weke) do leave the MLCD boundaries and so there is scientific evidence that (b) can occur. With regards to (c), pelagic spawning, the MLCD isn't going to seed the FMA in particular, because larvae and eggs are dispersed widely. However, given the larger sizes and numbers of uhu, omilu, weke, kala, manini, etc., the area produces more eggs and larvae than surrounding areas.

Invasive Algae

Meeting participants also referred to the invasive algae problem. The spread of algae impacts users in terms of the algae having a negative impact on their recreational experience, and the spread of these invasive species should be mitigated.

Day Use Moorings

The status of day use moorings outside the Hilton, the Rainbow Tower, and the other side of the Ala Wai was also of concern. They should be added to the site map. These moorings were meant to be used by smaller vessels to minimize anchor damage to coral reefs, but now these moorings are being used by huge vessels, and being put under strain during big surf.

Cultural Issues

Having access for subsistence fishing in Waikiki was one Focus Group concern. It's important that recreational uses are ensured for all, not just some, activities. It was also important to Focus Group participants that the Waikiki Beach Boy tradition continues.

Recreational Use Conflicts

Recreational use conflicts include multiple activities occurring in a relatively small area. There is some tension between surf schools and recreational surfers, and some tension among surf schools. There was a concern that commercial surf schools are everywhere. Focus Group participants said that some surfers now go to "Threes" and "Pops" to stay away from the overused/crowded surf spots. Another concern regarding surf schools is that it can be difficult to distinguish who's who. Surf schools that do use brightly colored rash guard uniforms set a good example and help alleviate this confusion.

Overcrowding

Meeting participants commented on the limited amount of space in Waikiki, and had concerns that beach erosion continues to occur. However, there is a beach nourishment/replenishment project occurring at Kuhio Beach (although it was clarified that this is only a demonstration project showcasing the technology of recycling existing sand for use in beach replenishment--replenishment is not occurring ewa of the police

station.) Also, Duke Kahanamoku Lagoon beach will be added (in large part with the help of the Hilton), which will provide residents and visitors with additional beach space.

Focus Group participants wanted to know how the State and County will balance the amount of commercial use and non-commercial use that will be allowed on Waikiki's beaches and in the nearshore waters. Focus Group participants suggested that some type of carrying capacity study be done. It was clarified that the Ala Wai is a non-commercial harbor—so will not be used as a future “gateway” to Waikiki.

Safety

Focus Group participants were concerned that multiple uses in the same area can be hazardous, for example at Sans Souci there are rough water swimmers and fishermen in the same channel. They felt it would be a good idea to have some sort of uniform policy dictating when to call off activities based on weather/hazardous conditions (for the State, four feet waves are the high surf advisory level – but four feet waves are perfect for the beach boys). Focus Group participants commented that the Beach boys want to be able to decide on their own whether or not to call off activities.

Another multiple use is catamarans landing on the beach and navigating through an area heavily populated by swimmers and surfers. However, these boats use precautions to warn people out of the way as they are landing and launching, and meeting participants felt that overall, Waikiki had a pretty good safety record.

Commercial Use

Concessionaires and historical background. The City has four concessions at Waikiki – three at Kuhio Beach (they rent surfboards and give outrigger canoe rides) and one by the groin (they rent chairs and boogie boards). The State has one concession: the Hilton Beach Concession (at Duke Kahanamoku Beach), which is on a five-year lease. The lease is issued through DLNR's Land Division, as the land which the concession is located on is under their control. Historically, these concessions were meant to perpetuate the beach boy tradition. In addition, under a separate set of rules--the Ocean Recreation Management Area (ORMA) rules-- ingress and egress zones were established. The Waikiki commercial zone was established, and in the 1980s this Waikiki model was applied to Ka'anapali on Maui because there was a mix of activities occurring there.

Surf Instructors/Schools

The DLNR's Division of Boating and Ocean Recreation (DOBOR) issues Blue Card Surf Instructor permits but does not recognize (and therefore does not issue permits for) surf schools. The surf instructor permits may have a specific area written on them (such as Waikiki, West Hawaii, etc.), but the instructor is allowed to operate anywhere in Hawaii.

“Renegade” (i.e. Illegal) Operators. Legal concessionaires paying rent for their leases are not happy about the renegade operators that are benefiting without paying rent. Meeting participants wanted to know how illegal commercial uses will be controlled.

Compliance and Enforcement

Some Focus Group participants expressed the concern that existing laws and rules are not always being enforced. There was also concern that people seem to be unaware of the State and County rules. Meeting participants wanted to know if these rules were well-publicized.

Current Progress/Successes

The State's Hilton Beach Concession lease regulates the concession in terms of the amount of space the concession is allowed to occupy. Hotels in Waikiki are not allowed to place pre-set chairs and umbrellas on state-owned land. They must first be rented, and they must be removed when the renter leaves the beach. At Ka'anapali, hotels are under a permit system for pre-sets. There the DLNR-DOBOR has allowed a certain number of permitted pre-sets based on the number of hotel rooms and on beach conditions. This permit system is administered through DLNR, DOBOR, as Ka'anapali Beach is under their jurisdiction.

The DLNR, DAR has recently developed and published a community guidebook to assist communities in ocean management.

Suggested Solutions

On-line reservation system

The idea of an on-line reservation system for surf schools was raised. But one problem may be the variability in surf conditions. What if surf schools sign up for a particular day and conditions are flat (or hazardous)?

Human use study

Participants in the meeting expressed that a human use study of Waikiki is needed to better understand human use conflicts, the area's carrying capacity, and the historical context of use. It was also recommended that a baseline of permit holders be developed.

Regulation of surf schools

Focus Group participants wanted to see more control over where and when surf schools operate. They said there is a need for defining set areas for surf schools, and for defining hours of operation. They feel this will provide better control of commercial uses occurring in Waikiki and will allow non-commercial users there an opportunity to know when these areas will be free of commercial use. It was also mentioned that surf schools should not be taking guests out when conditions are flat, or when conditions are unsafe.

Educational Brochure

Meeting participants suggested creating a Beach Use 101 brochure that's easy to use, to educate people about etiquette in these multiple use beach areas and to clarify the location of the ORMA ingress/egress zones.

ORMA Advisory Groups

Focus Group participants wanted to see ORMA Advisory Groups made more uniform statewide.

Interagency Cooperation

Focus Group participants suggested that the County and State could streamline their permits.

Safety

Meeting participants saw a need for coordination so that everyone (Water Safety Officers and all on-the-water commercial operators) can act together in hazardous conditions. For example, should operations be closed for the day when wave conditions reach four feet? The County Water Safety Officers are ultimately responsible for water safety and this should be coordinated through them.

FMA

Focus Group participants suggested that the Fisheries Management Area may need to be reformulated. It may need to be extended, or have new regulations put in place (perhaps allow pole and line fishing but not spear fishing). This needs to be balanced/coordinated with subsistence fisher issues. The DAR is already working towards resolution of this issue.

Compliance/Enforcement

Meeting participants suggested the DLNR continue to promote compliance by working with volunteer eyes-and-ears groups like Makai Watch in addition to enforcing current rules and laws.

Unresolved Issues

Additional questions posed by the Focus Group included:

- What are the mechanisms for enabling the County and State to streamline their permits?
- How are off-site commercial transactions handled at Ka'anapali? For example if someone rents a chair or kayak off-site and then launches from Ka'anapali—is that regulated?
- How are guided tours treated at Ka'anapali?
- ORMA decal use—it's not uniform and needs to be better explained to the public.
- The loopholes in current rules for surf schools need to be resolved.

See next page for a listing of Waikiki Ocean Recreation Focus Group participants

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Facilitator

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2	Chairman	Peter Young
3	Project Coordinator	Jennifer Bethel
4	DAR	Athline Clark
5	DAR	Dan Polhemus
6	DAR	Jeff Walters
7	DOBOR	Ed Underwood
8	DOBOR	Roy Yanagihara
9	DOBOR	Mike Jones
10	DOCARE	Gary Moniz
11	OCCL	Dolan Eversole
12	Land Division	Charlene Unoki
13	Land Division	Steve Molmen

City & County of Honolulu

14	C & C Dept. of Enterprise Services	Gail Haraguchi
15	C & C Dept. of Enterprise Services	Tom Atou

Non-Profits

16	Community Conservation Network	Scott Atkinson
17	Waikiki Neighborhood Board	Robert Finley
18	Ala Wai Watershed Association	Karen Ah Mai
19	Waikiki Hawaiian Civic Club	L. Pi'ikea Tomczyk

Businesses

20	Waikiki Beach Activities, Ltd.	Bob Hampton
21	Hawaiian Hot Spots Surf School	Errol and Theodora Kane
22	Pure Hawaiian Surf Academy (formerly C&K)	Clyde Aikau
23	Tetra Tech	Catherine Courtney
24	Beach Activities of Maui	Michael Kelley
25	Hawaii Hotel and Lodging Assoc.	Murray Towill
26	Waikiki Improvement Association	Rick Egged

Others

27	Office of Hawaiian Affairs	Heidi Guth
28	Concerned Citizen	Noa Napoleon
29	Independent Consultant	John Clark